

## **REMARKS**

The Office Action dated August 20, 2009 has been reviewed and carefully considered. Claims 2 and 3 have been cancelled. Claims 1 and 4-17 remain pending, the independent claims being claims 1, 15 and 17. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Applicants note with appreciation the indication that Claims 5-9 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. These claims have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 1-4, 10, 11 and 15-17 stand rejected under 35 USC 102(b) as being anticipated by Park, U.S. Pat. Publ. No. 2002/0130830 (hereinafter, "Park")<sup>1</sup>. Claims 12-14 stand rejected under 35 USC 103(a) as being unpatentable over Park in view of Usul et al (EP 0513551).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

Claim 1, as amended, recites:

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<sup>1</sup> Applicants have identified these §102 rejected claims based on the content of pages 2-4 of the Office Action rather than the initial sentence of Paragraph 4 of the Office Action

1. A display device comprising an adjustable light source; a display panel with display pixels for modulating light originating from the light source; and processing circuitry coupled to the display panel and the light source, the processing circuitry having an input for receiving an input signal representing gray levels of pixels of an image to be displayed on the display panel and comprising:
- means for selecting a dimmed brightness level of the light source in dependence on the gray levels of the image pixels, the means for selecting being adapted to:
    - select the dimmed brightness level in dependence on a number of occurrences of a gray level corresponding to a brightness of display pixels above the dimmed brightness level and/ or a number of occurrences of a gray level corresponding to a brightness level of display pixels below a predetermined brightness level, and
    - substantially minimize an error function including one or more weighted numbers of occurrences formed by multiplying each of the one or more numbers of occurrences by a weighting factor; and
  - means for adapting the input signal in dependence on the dimmed brightness level.

As indicated by the above underlined additions, claim 1 has been amended to incorporate the features of former claims 2 and 3. Consequently claim 1 now recites the feature of former claim 3 that the means for selecting is adapted to substantially minimize an error function that includes one or more weighted numbers. The Office Action rejected claim 3 by simply commenting that this feature is “inherently taught in the situation of the weighting factor equaling zero, thus the weighted numbers would also equal zero” (page 3, last full paragraph).

Paragraph [0044], describing Fig. 7, contains a description of how the weight factors are determined for the depicted pixels. While paragraph [0042] of the specification recites that the weightings “may be substantially equal to one, giving an equal weight to each of the gray levels above  $x_{sub.1}$  or below  $x_{sub.thresd}$ ”, there is nothing addressing the case where all such weightings would be zero. Moreover, a situation where all weightings are zero is in fact a situation in which there are no weightings. Accordingly, the Office Action interpretation of an inherent teaching in which all of the weighting factors are zero, fails to address the weighting that is recited in claim 1.

Further, applicants submit that Park does not teach or imply the feature of claim 1 of a means for selecting a dimmed brightness level of the light source in dependence on the gray levels of the image pixels, the means for selecting being adapted to substantially minimize an error function including one or more weighted numbers of occurrences formed by multiplying each of the one or more numbers of occurrences by a weighting factor.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Park cannot be said to anticipate the present invention, because Park fails to disclose each and every element recited. As shown, Park fails to disclose the limitation of using a weighting function as is recited in claim 1. Claims 15 and 17 also contains this feature and are deemed patentable over Park for at least the same reasons.

Having shown that Park fails to disclose each and every element claimed, applicant submits that the reasons for the Examiner's rejection of claims 1, 15 and 17 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 15 and 17.

With regard to claims 4-14 and 16, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 4-14 and 16 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Thomas Onka', written over a horizontal line.

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